

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONTORY CATRELL CALDWELL,

Defendant.

CASE NO.CR05-5381RBL

ORDER GRANTING
CONTINUANCE OF
TRIAL DATE

A Motion to Continue the Trial has been filed by the defendant. The affidavit advises that AUSA Jennings has no objection to the continuance and that a waiver of speedy trial is forthcoming. The Court has reviewed the pleadings and for the reasons stated, the Motion to Continue the Trial Date is **GRANTED**

In view of the foregoing, the court finds and rules as follows:

1. Failure to grant a continuance in this matter would deny the defense the reasonable time necessary for effective preparation taking into account the exercise of due diligence. Title 18 U.S.C. §3161(h)(8)(B)(iv).
2. The ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. Title 18 U.S.C. §3161(h)(8)(A). The period of delay resulting from this continuance from **DECEMBER 5, 2005 to MARCH 6, 2006** is excluded for speedy trial computation purposes under 18 U.S.C. § 3161(h)(8)(A) and (B) as this is a reasonable period of delay.

1 ACCORDINGLY:

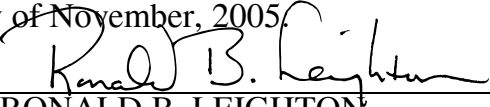
2 The Jury Trial is **CONTINUED** to Monday, **MARCH 6, 2006 at 9:00 a.m.**

3 The Pretrial Conference is rescheduled for **FEBRUARY 23, 2006 at 9:00 a.m.**

4 The Motions Cutoff date is extended to **JANUARY 30, 2006.**

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6 Defendant is directed to file an executed speedy trial waiver not later than November 28, 2005.

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8 IT IS SO ORDERED this 16th day of November, 2005.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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25 ORDER -2
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ORDER -2